

Above all, political reform plan must be realistic

Andrew Leung says it's time for all sides of the political reform debate to realise they will have to compromise and satisfy some of the interests of others if Hong Kong is ever to move forward

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A Chinese saying has it that when a boat reaches a narrow bridge, it will somehow manage to traverse it. As the five-month public consultation period for Hong Kong's electoral reform draws to a close, oars of all shape and complexion are working overtime. Even US Vice-President Joe Biden is making noises from the sidelines. However, with the boat moving in different directions in an unfavourable undercurrent, there is little chance it will pass the bridge in time.

Much of the lack of consensus results from denial, or a lack of appreciation, of some critical realities and dynamics. These should define any reform proposals if they are to be acceptable to Beijing as well as to the Hong Kong people, sectoral interests and political parties.

First, Hong Kong's high degree of autonomy is not unbounded. It is defined by the Basic Law; Article 45, for example, lays down the powers of a nominating committee for the election of a future chief executive.

It also stipulates the central government's power of appointment. These powers are substantive. Any attempts to circumvent, vitiate or water them down would be unacceptable to Beijing. Nor would these attempts augur well for "one country, two systems", of which the Basic Law is the bedrock.

While the flow of public opinion begins to move towards the Basic Law, a wide divergence of views remains as to what nomination under the Basic Law should represent.

Meanwhile, the Occupy Central movement remains active in trying to force Beijing's hand to grant what its supporters regard as the right nomination method for universal suffrage.

Second, the Basic Law clearly vests the power of nomination in a nominating committee, not a fraction of it. There is no provision to assume that such powers can be delegated to part of the committee. It is mandated to first exercise its power of nomination according to democratic procedures. A collective power of nomination is therefore required, which is exercisable, for example by majority vote, before any candidate can take part in election by universal suffrage.



[Pan-democrats attend a hunger strike supporting universal suffrage outside HSBC's headquarters in Central. Photo: Dickson Lee](#)

This is to ensure that any nominated candidate put forward is sufficiently representative of the wishes of the whole committee. Thus, nomination by securing anything less than a simple majority of support can hardly be deemed to satisfy the "democratic" requirement. Third, the Basic Law mandates the nominating committee to be "broadly representative". The existing Election Committee of 1,193 members hardly fits the bill .

However, merely expanding the size of one sector would upset the political balance with the other three. All four sectors have equal representation on the Election Committee, as stipulated in the Basic Law. This balance has proven vital to Hong Kong's political, economic and social viability.

This suggests that if one sector is widened, the other three should also be similarly expanded. One way to achieve this is to subdivide further the four sectors (already divided into 38 subsectors) into a much larger number of constituent groupings so that more minority interests are directly represented. This would make the nominating committee more "broadly representative" as well as more democratic.

Fourth, if the nominating committee is sufficiently enlarged, say, to over 5,000 members representing over 100 sub-sectors, the threshold for a name to be considered by the committee for nomination does not need to be set very high. Even, say, 8 per cent of the total votes of the committee should be sufficient. However, as explained above, any such names will have to win the committee's substantive support before being put forward for election.

If there are numerous recommended candidates, the committee would have to go through rounds of voting to narrow them down to a manageable list. Thus, no candidate should feel automatically excluded from winning a nomination.

Fifth, there must be mutual trust between the chief executive and Beijing for the relationship to work. Understandably, Beijing is wary of someone being elected who is known to be bent on undermining the legitimacy of the country's ruling party.

Nevertheless, provided that the strict requirements of the Basic Law are satisfied, this eventuality is unlikely, given the collective nomination process involving all four sectors, followed by universal suffrage. Additionally, Beijing's substantive power to deny appointment would act as a last resort, although this is a decision only to be considered in extremis, as the political costs would be incalculable.

Sixth, power without responsibility is the Achilles' heel of Hong Kong's political parties. As any electoral reform proposals need to secure two-thirds support in the Legislative Council, a strong inducement for compromise would be to include a provision in the reform package to share power and responsibility in the government among the various political parties. While the Western model of government by a winning political party is not compatible with the Basic Law, it would be no bad thing to apportion future ministerial posts broadly in proportion to a party's vote share in the Legislative Council.

Although a minister would have to relinquish his or her party position, informal links would serve to reach out for party support or at least smooth over any differences. This would have the added advantage of minimising problems of a fractious legislature and fostering greater cohesiveness in governance.

Without sufficient incentives that at least partially satisfy the "core interests" of both Beijing and Hong Kong stakeholders, different oarsmen will continue to row in different directions.

It is high time to put forward a package embracing considerations that are more likely to be acceptable to all sides. Hong Kong's electoral reform needs to succeed not only in crossing the 2017 bridge, but also in introducing a more collaborative working relationship between the executive and the legislature. This great city can ill afford this political infighting while watching our international competitiveness slip.

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